

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 GIOVANNI KURTZE,

5 Plaintiff,

6 v.

7 JOSEPH LOMBARDO, *et al.*,

8 Defendants.
9

Case No. 2:18-cv-00445-APG-GWF

**ORDER ON REPORT AND
RECOMMENDATION**

(ECF. No. 11)

10 On October 18, 2018, Magistrate Judge Foley entered a report and recommendation that I
11 dismiss this case with prejudice because plaintiff Giovanni Kurtze has not submitted a complete
12 application to proceed in forma pauperis or paid the filing fee by the deadlines given in several
13 orders. ECF No. 11. Kurtze did not file an objection. Thus, I am not obligated to conduct a de
14 novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to
15 “make a de novo determination of those portions of the report or specified proposed findings to
16 which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
17 (en banc) (“the district judge must review the magistrate judge’s findings and recommendations
18 de novo *if objection is made*, but not otherwise” (emphasis in original)).

19 IT IS THEREFORE ORDERED that Judge Foley’s report and recommendation (**ECF No.**
20 **11) is accepted.** Plaintiff Giovanni Kurtze’s complaint is DISMISSED. However, I will dismiss
21 the complaint without prejudice to refiling.

22 DATED this 7th day of November, 2018.
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25 ANDREW P. GORDON
26 UNITED STATES DISTRICT JUDGE
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